

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

**CARTIER, a division of RICHEMONT NORTH AMERICA, INC., CARTIER INTERNATIONAL N.V., CARTIER CREATION STUDIO, S.A., VAN CLEEF & ARPELS S.A., VAN CLEEF & ARPELS, INC., VAN CLEEF & ARPELS DISTRIBUTION, INC., GUCCI AMERICA, INC., and BULGARI S.p.A,**

**Plaintiffs,**

## SUMMONS IN A CIVIL ACTION

CASE NUMBER: 07-7862 (SAS)(HP)

**v.**

**ELENA CASTANEDA and EJEWELER LLC d/b/a OVERSTOCKJEWELER.COM**

**Defendants.**

TO: (Name and Address of Defendant)

**EJEWELER LLC d/b/a Overstockjeweler.com  
c/o American Incorporators Ltd.  
1120 N. Market Street Suite 808  
Wilmington, DE 19801**

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFFS' ATTORNEY (name and address)

**Louis S. Ederer  
Arnold & Porter LLP  
399 Park Avenue  
New York, NY 10022**

an answer to the complaint which is herewith served upon you, within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

OCT 03 2007

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 1/90) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date Signature of Server

\_\_\_\_\_  
Address of Server

<sup>1</sup>) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Index No. 07-7862 (SAS) (HP)

CARTIER

Plaintiff(s) Petitioner(s)

Calendar No.

against

AFFIDAVIT  
OF  
SERVICE

ELENA CASTANEDA

Defendant(s) Respondent(s)

STATE OF DELAWARE, COUNTY OF: NEW CASTLE

Ss.:

The undersigned, being sworn, says: Deponent is not a party herein, is over 18 years of age and resides at Wilmington, DE

On 10/11/07

at 3:15 PM

M., at

C/O THE DELAWARE SECRETARY OF STATE TOWNSEND BLDG. DOVER, DE

deponent served the within

- ☐ summons and complaint  
☐ subpoena duces tecum  
☐ citation

☒ SUMMONS & FIRST AMENDED COMPLAINT

on JEWELER LLC

☒ defendant ☐ witness hereinafter called therein  
☐ -espondent the recipient lamed

INDIVIDUAL

1. ☐

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION

2. ☒

a DELAWARE corporation, by delivering thereat a true copy of each to KAREN CHARBONNEAU

personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be PROCESS AGENT thereof

SUITABLE  
AGE PERSON3. ☐by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.AFFIXING TO  
DOOR, ETC.4. ☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called thereMAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐Deponent talked to at said premises who stated that recipient ☐ lived ☐ worked there. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at and depositedMAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐

said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to recipient at recipient's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

DESCRIPTION

☐

☐ Male ☒ White Skin ☒ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☒ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100- 130 Lbs.  
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☐ 5'4"-5'8" ☒ 131-160 Lbs.  
☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☒ 5'9"-6'0" ☒ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. [- I Over 6' ☐ Over 200 Lbs.

☐

Other identifying features:

WITNESS  
FEES☐

\$ the authorizing traveling expenses ☐ was paid (tendered) to the recipient  
and one days' witness fee: ☐ was mailed to the witness with subpoena copy.

MILITARY  
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

10/11/07

OFFICIAL SEAL  
KEVIN DUNN  
NOTARY PUBLIC - DELAWARE

NEW CASTLE COUNTY

My Commission Expires November 23 2010

License No.

GRANVILLE MORRIS